

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

P.I.L. No.46 OF 2019

Irshad S/o Jabbar Khan

... Petitioner

Versus

The State of Maharashtra and others

... Respondents

Mr. Virat Mishra with Mr. Kaustubh Deogade, Advocates for Petitioner.

Mr. Amit Madiwale, AGP for Respondent No.3.

Mr. M.I. Dhatrak, Advocate for Respondent No.2.

Mr. S.M. Puranik, Advocate for Respondent No.3.

Mr. C.P. Bhagwani, Advocate for Respondent No.4.

Mr. P.B. Patil, Advocate for Respondent No.5.

CORAM : NITIN JAMDAR &

ANIL S. KILOR, JJ

DATE : 10 FEBRUARY 2021

P.C.:

Heard the learned Counsel for the Petitioner.

2. Pursuant to the order passed on 20 January 2021, affidavit has been filed on behalf of the Respondent No.2- Municipal Council, Wadi by the Chief Officer of the Municipal Council. The Chief Officer has placed on record that the Respondent Nos.4 and 5 has violated the permission for construction and excess construction have been carried out and the notices have been issued to them on 3 February 2021.

3. We direct the Chief Officer to take these notices to their logical end after giving due opportunity to the Respondent Nos.4 and 5 and take necessary action within a period of four months from today.

4. The construction, in which the Petitioner is residing, is also found to be unauthorized and notices are issued to the owner of the structure, i.e. the mother of the Petitioner. These notices will also be taken to their logical end by the Chief Officer within a period of four months after giving due opportunity to the owner of the structure.

5. The Petitioner had filed this Petition stating that he is a social worker and to prove his *bona fides*, the Petitioner showed his willingness to volunteer in the activities of Legal Services Authority. However, the Petitioner has not reported to the Secretary, High Court Legal Services Sub-Committee, Nagpur. We, therefore, have a serious doubt of the credentials of the Petitioner of being a social worker. Therefore, though we have taken notice of the unauthorized constructions of the Respondents, we cannot let the court process be abused. While we dispose of the Petition, as above, we impose the costs of Rs.10,000/- on the Petitioner, to be paid to the Legal Services Authority, Nagpur, within a period of four weeks; failing which, the same will be recovered as arrears of land revenue.

6. The Petition is disposed of as above.

(ANIL S. KILOR, J)

(NITIN JAMDAR, J)

Lanjewar

Prashant
Lanjewar

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Prashant
Lanjewar
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